

manner which might adversely affect their validity. Nevertheless, to advance prosecution, the trademarks contained in the application have been set in all capital letters by the amendments to the specification presented herein.

The Office has noted that "[t]he incorporation of essential material in the specification by reference to a foreign application or patent, or to a publication is improper. Applicant is required to amend the disclosure to include the material incorporated by reference."

Applicants note, however, that this requirement only applies to essential material, and that non-essential foreign material may be incorporated by reference. See M.P.E.P. 608.01(p). ("Nonessential subject matter may be incorporated by reference to (1) patents or applications published by the United States or foreign countries or regional patent offices... Nonessential subject matter is subject matter referred to for purposes of indicating the background of the invention or illustrating the state of the art.")

In the present specification, several foreign patents or applications are incorporated by references. In each case, the reference merely provides background and/or further examples of the state of the art of classes of compounds already disclosed in the present specification. Accordingly, since Applicants have not relied upon any of the foreign documents incorporated by reference as essential material, the Office's requirement is improper and should be withdrawn.

Reconsideration and withdrawal of the rejection is respectfully requested.

**DOUBLE PATENTING**

1. The Office has cited U.S. Patent Nos. 6,028,041 and 6,159,914 as potential basis for rejections under 35 U.S.C. §103(a) if not commonly owned at the time the present invention was made.

**Statement of Common Ownership**

Further to 37 CFR §1.78(c), Applicants hereby state, for the record, that U.S. Patent Nos. 6,028,041 and 6,159,914 and the present invention were commonly owned by, assigned to, or under an obligation of assignment to L'Oréal at the time the present invention was made. In support of this statement, copies of the executed assignments and corresponding Notices of Recordation of Assignment for U.S. Patent Nos. 6,028,041 (Application No. 08/841,790) and 6,159,914 (Application No. 09/055,666), showing their common assignments to L'Oréal, are enclosed for the Office's reference. If the Office requires any further information or statement on this point, Applicants ask for a specific and clear request.

2. The Office has rejected Claims 1-46 for obviousness-type double patenting over the claims of U.S. Patent No. 6,028,041, 6,159,914, 6,022,836, and 5,650,383.

Applicants respectfully traverse this rejection.

In order to support an obviousness-type double patenting rejection, the Office must establish the same obviousness criteria as for a rejection under 35 U.S.C. §103. See M.P.E.P. § 804(II)(B)(1) ("the analysis employed in an obviousness-type double patenting determination parallels the guidelines for a 35 U.S.C. 103(a) rejection."). As the Office is well aware, these standards (discussed further below) include, among

other things, clear and particular evidence that the cited references teach or suggest all the claimed elements.

In the present case, however, none of U.S. Patent No. 6,028,041, 6,159,914, 6,022,836, and 5,650,383 teaches, suggests, or claims, among other things, the claimed amphoteric/anionic surfactant ratio. The Office has not presented and the references do not contain sufficient evidence to establish that the presently claimed invention is obvious over any or all of these patents.

Reconsideration and withdrawal of the rejections is respectfully requested.

**REJECTIONS UNDER 35 U.S.C. §112**

Claims 1, 20, 22, 24-26, 32, 34, 35, 39-42, and 44-46 were rejected under 35 U.S.C. §112, second paragraph, "for the use of improper Markush groups." Page 4, lines 13-15. The Office directs Applicants to M.P.E.P. § 2173.05(h) for a discussion of proper alternative claim language, i.e. "...chosen from the group consisting of... and ..."

Applicants respectfully disagree with the Office, and traverse this rejection.

The phrase "X is chosen from A, B, and C" is proper language and more accurately describes the claimed invention, i.e., the composition may contain one or more X with each X independently selected from the group A, B, and C. For example, both Applicants' claim language and the Office's proposed change cover a composition of the invention that may contain: A; A and B; or two A's, two B's and a C, as well as all other permutations. Applicants' claim language is clearer, and the Office has shown no legal basis for requiring the Applicants to change it.

The Office relies on M.P.E.P. § 2173.05(h) for a discussion of proper alternative claim language. However, section 2173.05(h) merely recites examples of proper claim language which may be representative but are not exclusive. In fact, the U.S. Patent and Trademark Office (PTO) has provided other representative examples of proper alternative claim language.

Specifically, Applicants direct the Office to another example of proper alternative claim language set forth in the M.P.E.P.: "wherein R1 is methyl or phenyl, X and Z are selected from oxygen (O) and sulfur (S)." See M.P.E.P. Appendix AI (PCT), Example 20, p. AI-44 of the July 1998 edition.

The PTO has also published model claims utilizing other preferred claim language, i.e., X selected from A, B, and C, in the Training Materials For Examining Patent Applications with *Respect to 35 U.S.C. Section 112, First Paragraph - Enablement Chemical/Biotechnical Applications*, released August, 1996. The PTO training materials further clarify that "X selected from A, B, and C" is proper claim language. Following the background case law, training materials, and discussion regarding enablement, the PTO provides Examiners with several example specifications, claims, and model rejections and analysis. See *Training Materials For Examining Patent Applications with Respect to 35 U.S.C. Section 112, First Paragraph - Enablement Chemical/Biotechnical Applications*, at Enablement Decision Tree, August, 1996. The Examples provided demonstrate what the PTO considers to be proper claim language. Example H, entitled "Endothelin Receptor Antagonists" provides a model claim with alternative claim language that reads "at least one hetero atom selected from N, S, and O," while Example J, entitled "Selectin-Mediated Cellular Adhesion" provides

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FINNEGAN, HENDERSON,  
FARABOW, GARRETT,  
& DUNNER, L.L.P.  
1300 I STREET, N. W.  
WASHINGTON, DC 20005  
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a model claim with alternative claim language that reads "wherein the substituent is selected from halogen, C1-4 alkyl, trifluoromethyl, hydroxy, and C1-4 alkoxy."

In light of the additional examples of proper alternative claim language provided by the PTO, it is clear that there is no legal reason for the Office to require the Applicants to change the claim language of the pending claims. Accordingly, Applicants respectfully submit that this rejection under 35 U.S.C. § 112, second paragraph, is in error, and request that the rejection be reconsidered and withdrawn.

### **REJECTIONS UNDER 35 U.S.C. §102**

#### **1. Rejections under 35 U.S.C. §102(f)**

Claims 1-46 were rejected by the Office under 35 U.S.C. §102(f) "because the applicant did not invent the claimed subject matter. The claims of Decoster et al. 6[,]028,041 and Decoster et al. 6,159,914 are directed toward analogous hair compositions comprising aminated silicones, anionic surfactants, amphoteric surfactants, and a washing base." Page 5, lines 1-4. Applicants respectfully traverse this rejection.

As set forth in M.P.E.P. §2137, a rejection under §102(f) is proper "[w]here it can be shown that an applicant 'derived' an invention from another." "Derivation" in this context requires the complete conception by another and communication of that conception by any means to the party charged with derivation prior to any date on which it can be shown that the one charged with derivation possessed knowledge of the invention. See Kilbey v. Thiele, 199 USPQ 290, 294 (Bd. Pat. Inter. 1978); M.P.E.P. §2173.

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FINNEGAN, HENDERSON,  
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& DUNNER, L.L.P.  
1300 I STREET, N.W.  
WASHINGTON, DC 20005  
202-408-4000

In the present case, however, derivation has not been shown. First, the Office merely states that the cited patents are "directed towards analogous hair compositions." Page 5, line 3 (emphasis added). However, the standards for rejections under §102 are not based on "analogous" subject matter. In fact, "[t]he mere fact that a claim recites the use of various components, each of which can be argumentatively assumed to be old, does not provide a proper basis for a rejection under 35 U.S.C. 102(f)." *Ex parte Billottet*, 192 USPQ 413, 415 (Bd. App. 1976).

Furthermore, the cited patents do not teach, suggest, or claim, among other things, the claimed amphoteric surfactant/anionic surfactant ratio. Accordingly, since the cited patents do not teach all the present claim limitations, it is not logically possible to conclude, as required, that there was complete conception of the presently claimed subject matter in the cited patent.

Accordingly, the rejection under 35 U.S.C. §102(f) is unsupported and improper, and should be withdrawn. Reconsideration and reexamination is respectfully requested.

2. Rejections under 35 U.S.C. §102(b)

Claims 1-12, 22-25, 32, 39, and 43-46 were rejected under 35 U.S.C. §102(b) as anticipated by U.S. Patent No. 4,185,087 to Morlino (Morlino). See page 5, lines 5-6. Applicants respectfully disagree, and traverse this rejection.

A rejection under § 102 is only proper when the claimed subject matter, in this case a composition, is identically described or disclosed in the prior art. *In re Arkley*, 455 F.2d 586, 587 (CCPA 1972); see also M.P.E.P. § 706.02(a) ("For anticipation under 35 U.S.C. 102, the reference must teach every aspect of the claimed invention either explicitly or impliedly."). In order to identically describe or disclose the claimed

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composition, the reference must direct those skilled in the art to the composition without any need for picking, choosing, and combining various disclosures in the reference not directly related to each other by the teachings of the cited reference. *Arkley*, at 587.

In this case, the § 102 rejection is based on bits and pieces of information from different portions of the cited reference. That is, the Office has contrived its § 102(b) rejection by picking, choosing and combining various disclosures in *Morlino*.

Specifically, the Office picks a recitation at col. 3, lines 45-51 of:

The composition of this invention may also include as an optional ingredient from 9 to about 30 weight percent of one or more surfactants, i.e. detergents, selected from the group consisting of amphoteric anionic, cationic, polar non-ionic, non-ionic, zwitterionic surfactants or a mixture thereof to form a shampoo composition.

as being a recitation of 9-30% amphoteric surfactant. The Office then picks, from another, unrelated, portion of the disclosure, at col. 6, lines 41-43 ("Coconut, lauric and myristic mono- and diethanolamides may be used up to about 8% of the formula weight.

The compounds serve to aid in the form stabilization of the polymer-detergent composition; however, they are not essential") as disclosing 8% of the anionic surfactant. However, Applicants note that the compounds disclosed at col. 6, lines 41-43 are non-ionic. That is, contrary to their characterization by the Office, the cited compounds are not anionic surfactants. Nevertheless, the Office combines these separate disclosures, apparently as a teaching of the claimed amphoteric/anionic surfactant ratio.

However, ~~the Office has not cited, and Morlino does not contain any teaching by~~ which one skilled in the art would understand that the composition contains both an

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FINNEGAN, HENDERSON,  
FARABOW, CARRETT,  
& DUNNER, L.L.P.  
1300 I STREET, N.W.  
WASHINGTON, DC 20005  
202-408-4000

*it's a  
combination of*

amphoteric and an anionic surfactant, and that they should be present such that the amphoteric surfactant/anionic surfactant ratio by weight is greater than or equal to 0.2:1, as claimed. In fact, the surfactants disclosed at col. 3, lines 45-51 are clearly taught to be "optional." Further, the surfactant is not necessarily amphoteric, as suggested by the Office, but may be any of several different types and their mixtures. Likewise, the compounds at col. 6, lines 41-43, which are not even anionic surfactants, are specifically said to be "not essential." Thus, rather than any teaching of having both amphoteric and anionic surfactants, Morlino teaches that the composition does not need either, much less both, still much less both at the claimed ratio.

*still  
disclosed in  
combi.*

Further, the present case is much like *Arkley*, where the Court reversed the Board's § 102(b) rejection stating that "there is nothing in the teachings relied upon by the patent Office which 'clearly and unequivocally' directs those skilled in the art to make this selection nor any indication that Flynn [the inventor of the prior art patent] made this selection himself." *Arkley*, at 588. Similarly, in the present case, the components are specifically taught to be "optional" or "not essential" and there is nothing in the teachings of Morlino which "clearly and unequivocally" directs those skilled in the art to make the selection the Office propounds, nor is there any indication that Morlino ever made this selection.

Accordingly, Applicants respectfully submit that the rejection under 35 U.S.C. §102(b) is improper, and should be withdrawn. Reconsideration and reexamination is respectfully requested.

LAW OFFICES

FINNEGAN, HENDERSON,  
FARABOW, GARRETT,  
& DUNNER, L.L.P.  
1300 I STREET, N. W.  
WASHINGTON, DC 20005  
202-408-4000



**REJECTIONS UNDER 35 U.S.C. §103**

Claims 1-46 were rejected under 35 U.S.C. §103(a) as obvious over Morlino in view of U.S. Patent No. 5,567,428 to Hughes (Hughes) and in further view of U.S. Patent No. 5,476,649 to Natio (Natio). Applicants respectfully traverse this rejection.

The Office carries the initial burden of establishing a *prima facie* case of obviousness, and in doing so must establish: (1) that there exists some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to combine reference teachings; (2) that there is a reasonable expectation of success in such a combination; and (3) that the references when combined teach or suggest all limitations of the claim. See M.P.E.P. § 2143. See also *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q.2d 1596 (Fed. Cir. 1988); *Pro-Mold & Tool Co. v. Great Lakes Plastics, Inc.*, 75 F.3d 1568 (Fed. Cir. 1996); *In re Vaeck*, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991). Recently, the Federal Circuit has stated that the evidence of a teaching, suggestion, or motivation to modify or combine must be "clear and particular." See *In re Dembiczak*, 175 F.3d 994, 999 (Fed. Cir. 1999).

As discussed above, the Office has not shown and Morlino does not teach or suggest a composition comprising both an anionic and an amphoteric surfactant, much less a composition with both surfactants at the claimed ratio. Moreover, the Office has not shown and Morlino does not provide any motivation for selecting a composition comprising both an anionic and an amphoteric surfactant, much less a composition with both surfactants at the claimed ratio. Furthermore, Hughes and Natio have not been cited for and do not overcome these deficiencies.

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FINNEGAN, HENDERSON,  
FARABOW, GARRETT,  
& DUNNER, L.L.P.  
1300 I STREET, N.W.  
WASHINGTON, DC 20005  
202-408-4000

Accordingly, for at least the reasons that not all the claimed elements are taught or suggested, and that there is no motivation to make the suggested modification/combination, a *prima facie* case of obviousness has not been established. Reconsideration and withdrawal of the rejection is respectfully requested.

**CONCLUSION**

In view of the foregoing amendments and remarks, Applicants respectfully request the reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.



Dated: September 4, 2001

By: \_\_\_\_\_  
Mark J. Feldstein  
Reg. No. 46, 693

Enclosures: • Copies of the executed assignments and corresponding Notices of Recordation of Assignment for U.S. Patent Nos. 6,028,041 and 6,159,914  
• Appendix of Amendment

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FARABOW, GARRETT,  
& DUNNER, L.L.P.  
1300 I STREET, N. W.  
WASHINGTON, DC 20005  
202-408-4000

**Marked Up Version Indicating Changes Made  
in Accordance with 37 C.F.R. § 1.121(b)(1)(iii)**

IN THE TITLE:

[DETERGENT COSMETIC COMPOSITION AND USE] AMINATED SILICONE  
DETERGENT COSMETIC COMPOSITION AND USE.

IN THE SPECIFICATION:

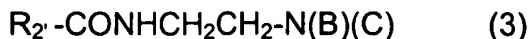
Amended paragraph on page 6, from line 13 to page 7, line 12:

--Mention may be made, among the amine derivatives, of the products sold under the trade name [Miranol<sup>®</sup>] MIRANOL<sup>®</sup>, as disclosed in Patents US-2,528,378 and US-2,781,354, the disclosures of each of which are herein specifically incorporated by reference, and with structures:



in which: R<sub>2</sub> is chosen from alkyl radicals derived from an acid R<sub>2</sub>-COOH present in hydrolysed coconut oil, and or heptyl, nonyl and undecyl radicals; R<sub>3</sub> is chosen from β-hydroxyethyl groups; and, R<sub>4</sub> is chosen from carboxymethyl groups;

and



in which:

B is chosen from  $-\text{CH}_2\text{CH}_2\text{OX}'$  groups; C is chosen from  $-(\text{CH}_2)_z-\text{Y}'$  groups, with  $z = 1$  or  $2$ ;

$\text{X}'$  is chosen from the  $-\text{CH}_2\text{CH}_2-\text{COOH}$  group and a hydrogen atom;

$\text{Y}'$  is chosen from  $-\text{COOH}$  and the  $-\text{CH}_2-\text{CHOH}-\text{SO}_3\text{H}$  radical;

$\text{R}_2$  is chosen from alkyl radicals of an acid  $\text{R}_9-\text{COOH}$  present in hydrolysed linseed oil or coconut oil, alkyl radicals, in particular a  $\text{C}_7$ ,  $\text{C}_9$ ,  $\text{C}_{11}$  or  $\text{C}_{13}$  radical,  $\text{C}_{17}$  alkyl radicals and their iso form, and unsaturated  $\text{C}_{17}$  radicals.--

Amended paragraph on page 7, from line 13 to page 8, line 1:

--Such compounds are classified in the CTFA dictionary, 5th Edition, 1993, under the names Disodium Cocoamphodiacetate, Disodium Lauroamphodiacetate, Disodium Caprylamphodiacetate, Disodium Capryloamphodiacetate, Disodium Cocoamphodipropionate, Disodium Lauroamphodipropionate, Disodium Caprylamphodipropionate, Disodium Capryloamphodipropionate, Lauroamphodipropionic acid and Cocoamphodipropionic acid. Mention may be made, by way of example, of the cocoamphodiacetate sold under the trade name [Miranol®] MIRANOL® C2M concentrate by the company Rhône-Poulenc.--

Amended paragraph on page 8, lines 2 to 6:

--According to the present invention, it is more particularly preferred to use the amphoteric surface-active agents belonging to the group of the betaines, such as the alkyl betaines, in particular the cocoyl betaine sold under the trade name "DEHYTON

[Dehyton] AB 30" as an aqueous solution comprising 30% of AM by the company Henkel, or the alkylamido betaines, such as those having the trade name [Tegobetaine®] TEGOBETAINE® F50, sold by the company Goldschmidt.--

Amended paragraph on page 13, lines 13 to 17:

--Aminated silicones which are particularly well suited according to the invention are the trimethylsilylamodimethicones sold by the company Wacker under the trade name [Finish] FINISH WT 1650 or by the company General Electric under the trade name SF 1708 or the amodimethicones sold by the company Wacker under the trade names [Finish] FINISH WT 1600 and L 650 or by the company Genese under the trade name SP4 SILICONE FLUID [Silicon Fluid].--

Amended paragraph on page 14, from line 17 to page 15, line 6:

--The compositions in accordance with the invention can comprise, in addition to the combination defined above, viscosity regulating agents, such as electrolytes, or thickening agents. Mention may in particular be made of sodium chloride, sodium xylenesulphonate, scleroglucans, xanthan gums, fatty acid alkanolamides, alkyl ether carboxylic acid alkanolamides optionally oxyethylenated with up to 5 mol of ethylene oxide, such as the product sold under the trade name "[Aminol] AMINOL A15" by the company Chem Y, crosslinked poly(acrylic acid)s and crosslinked acrylic acid/C<sub>10</sub>-C<sub>30</sub> alkyl acrylate copolymers. These viscosity regulating agents are used in the

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FINNEGAN, HENDERSON,  
FARABOW, GARRETT,  
& DUNNER, L.L.P.  
1300 I STREET, N. W.  
WASHINGTON, DC 20005  
202-408-4000

compositions according to the invention in proportions which can range up to 10% by weight with respect to the total weight of the composition.--

Amended paragraph on page 16, from line 13 to page 17, line 8:

--Among all the cationic polymers capable of being used in the context of the present invention, preference is given to the employment of quaternary derivatives of cellulose ether, such as the products sold under the trade name "JR 400" by the company Union Carbide Corporation, cyclopolymers, in particular diallyldimethylammonium salt homopolymers and copolymers of diallyldimethylammonium salt and of acrylamide, in particular the chlorides, sold under the trade names "[Merquat] MERQUAT 100", "[Merquat] MERQUAT 550" and "[Merquat] MERQUAT S" by the company Merck, cationic polysaccharides and more particularly guar gums modified by 2,3-epoxypropyltrimethylammonium chloride, sold, for example, under the trade name "[Jaguar] JAGUAR C13S" by the company Meyhall, optionally crosslinked homopolymers and copolymers of (meth)acryloyloxyethyltrimethylammonium salt, sold by the company Allied Colloids as a 50% solution in mineral oil under the trade names [Salcare] SALCARE SC92 (crosslinked copolymer of methacryloyloxyethyltrimethylammonium chloride and of acrylamide) and [Salcare] SALCARE SC95 (crosslinked homopolymer of methacryloyloxyethyltrimethylammonium chloride), or copolymers of vinylpyrrolidone and of methylvinylimidazolium salt, such as the products sold by BASF under the trade

names [Luviquat] LUVIQUAT FC 370, [Luviquat] LUVIQUAT FC 550, [Luviquat] LUVIQUAT FC 905 and [Luviquat] LUVIQUAT HM-552.--

Amended chart on page 20, from lines 5 to 18:

	<u>B</u> Comparative	<u>A</u> Invention
- Sodium lauryl ether sulphate (70/30 C <sub>12</sub> /C <sub>14</sub> ), comprising 2.2 mol of ethylene oxide, as an aqueous solution comprising 70% of AM (AM = active material)	16.8 g AM	15 g AM
- Cocoyl betaine (trade name [Dehyton] <u>DEHYTON</u> AB 30)	2.4 g AM	5 g AM
- Trimethylsilylamodimethicone, amine number 0.6 meq/g (trade name [Finish] <u>FINISH</u> WT 1650 from Wacker)	3 g	3 g
- Diallyldimethylammonium chloride homopolymer as an aqueous solution comprising 40% of AM (trade name [Merquat] <u>MERQUAT</u> 100 from Calgon)	0.4 g AM	0.4 g AM

- NaCl	3.25 g	3.25 g
- Fragrance, preservative	q.s.	q.s.
- Hydrochloric acid, q.s. pH	6	6
- Demineralized water, q.s. for	100 g	100 g

--

Amended chart on page 21, from line 15 to page 22, line 9:

--

	<u>A</u>
- Sodium lauryl ether sulphate (70/30 C <sub>12</sub> /C <sub>14</sub> ), comprising 2.2 mol of ethylene oxide, as an aqueous solution comprising 70% of AM (AM = active material)	15 g AM
- Cocoyl betaine ( <u>trade name</u> [Dehyton] <u>DEHYTON AB 30</u> )	5 g AM
- Aminated silicone	3 g
- Diallyldimethylammonium chloride homopolymer as an aqueous solution comprising 40% of AM ( <u>trade name</u> [Merquat] <u>MERQUAT 100</u> from Calgon)	0.4 g AM
- NaCl	3.25 g



- Fragrance, preservative	q.s.
- Hydrochloric acid, q.s. pH	6
- Demineralized water q.s. for	100 g

--

Amended chart on page 22, from line 12 to page 23, line 8:

--

	AMINATED SILICONE		Amine number (meq/g)	Trans-par- ency
1	Trimethylsilyl- amodimethicone	<u>Trade name</u> VP 1480 M (Wacker)	0.12-0.15	NO
2	Trimethylsilyl- amodimethicone	<u>Trade name</u> [Silicone Fluid] <u>SILICONE</u> <u>FLUID</u> F801 (Wacker)	0.14	NO
3	Amodimethicone	<u>Trade name</u> [Finish] <u>FINISH</u> WR 100 (Wacker)	0.15	NO
4	Amodimethicone	<u>Trade name</u> [Finish] <u>FINISH</u> WR 1300 (Wacker)	0.3	NO
5	Amodimethicone as an emulsion	<u>Trade name</u> [Silsoft] <u>SILSOFT</u> TP 515 (OSI)	0.058	NO
6	Amodimethicone as an emulsion	<u>Trade name</u> DC939 (Dow Corning)	<0.1	NO

7	Trimethylsilyl- amodimethicone	<u>Trade name</u> [Finish] <u>FINISH</u> WT 1650 (Wacker)	0.6	YES
8	Trimethylsilyl- amodimethicone	<u>Trade name</u> SF 1708 (General Electric)	0.8	YES
9	Amodimethicone	<u>Trade name</u> [Finish] <u>FINISH</u> WT 1600 (Wacker)	0.6	YES
10	Amodimethicone	<u>Trade name</u> [Silicon Fluid] SP4 <u>SILICONE</u> <u>FLUID</u> (Genese)	0.75	YES
11	Amodimethicone	<u>Trade name</u> L650 (Wacker)	2.7-3.2	YES

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FINNEGAN, HENDERSON,  
FARABOW, GARRETT,  
& DUNNER, L.L.P.  
1300 I STREET, N. W.  
WASHINGTON, DC 20005  
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THALIA V. WARNEMENT  
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BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

DECOSTER, SANDRINE

DOC DATE: 06/06/1997

ASSIGNOR:

BEAUQUEY, BERNARD

DOC DATE: 06/06/1997

ASSIGNEE:

L'OREAL  
14, RUE ROYALE  
PARIS, FRANCE 75008

SERIAL NUMBER: 08841790

PATENT NUMBER:

FILING DATE: 05/05/1997

ISSUE DATE:

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Patent and Trademark Office  
Attorney Docket No.  
05725.0189

100526094

To the Honorable Commissioner of Patents and Trademarks.  
Please record the attached original documents or copy thereof.

ATTN. BOX ASSIGNMENTS

1. Name of conveying party(ies): Sandrine DECOSTER  
Bernard BEAUQUEY  
Additional name(s) of conveying party(ies) attached? ☐ Yes ☒ No  
SEP 04 2001  
MRD 7-31-97

2. Name and address of receiving party(ies):

Name: L'Oréal

Internal Address:

Street Address: 14, Rue Royale

City: Paris

State: FR

Zip Code: 75008

3. Nature of conveyance:

XY Assignment Merger  
Security Agreement Change of Name

Other

Execution Date: June 6, 1997

Additional name(s) &amp; Address(es) attached?

☐ Yes ☒ No

4. Application number(s) or patent number(s): If this document is being filed together with a new application, the execution date of the application:

A. Patent Application Number(s):

08/841,790

B. Patent Number(s):

Additional numbers attached? ☐ Yes ☒ No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: Finnegan, Henderson, Farabow, Garrett &amp; Dunner, L.L.P.

Internal Address: Suite 600

Street Address: 1300 I Street, N.W.

City: Washington

State: DC Zip: 20005-3315

6. Total number of applications and registrations involved: 1

7. Total fee (37 CFR 3.41): \$40.00 E

☒ Enclosed (Please charge deficiency to deposit account)  
☐ Authorized to be charged to deposit account

8. Deposit account number: 06-0916

9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Thalia V. Warnement, Reg. No. 39,064

Signature

July 31 1997

Date

08/21/1997 KHARLING 0000010370001789 Number of pages including cover sheet, attachments and documents: 3

02 FC:381

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SEP 06 2001

TECH CENTER 1600/2900

Sole/Joint Invention  
(U.S. Rights Only)

Attorney Docket No.: 05725.0189

## ASSIGNMENT

WHEREAS We, the below named inventors, (hereinafter referred to as Assignors), have made an invention entitled: DETERGENT COSMETIC COMPOSITIONS FOR HAIR CARE APPLICATION AND USE THEREOF FOR CLEANSING AND CONDITIONING THE HAIR

for which We executed an application for United States Letters Patent concurrently herewith, or filed an application for United States Letters Patent on May 5, 1997 (Serial No. \_\_\_\_\_); and

WHEREAS, L'Oréal, a corporation of France, whose post office address is 14, Rue Royale, 75008 Paris, France, (hereinafter referred to as Assignee), is desirous of securing the entire right, title, and interest in and to this invention, the application for United States Letters Patent on this invention and the Letters Patent to be issued upon this application;

NOW THEREFORE, be it known that, for good and valuable consideration the receipt of which from assignee is hereby acknowledged, we, as assignors, have sold, assigned, transferred, and set over, and do hereby sell, assign, transfer, and set over unto the assignee, its lawful successors and assigns, our entire right, title, and interest in and to this invention and this application, and all divisions, and continuations thereof, and all Letters Patent of the United States which may be granted thereon, and all reissues thereof; and we hereby authorize and request the Commissioner of Patents and Trademarks of the United States to issue all Letters Patent for this invention to assignee, its successors and assigns, in accordance with the terms of this Assignment;

AND, WE HEREBY further covenant and agree that we will, without further consideration, communicate with assignee, its successors and assigns, any facts known to us respecting this invention and testify in any legal proceeding, sign all lawful papers when called upon to do so, execute and deliver all papers that may be necessary or desirable to perfect the title to this invention in said assignee, its successors and assigns, execute all divisional, continuation, and reissue applications, make all rightful oaths and generally do everything possible to aid assignee, its successors and assigns, to obtain and enforce proper patent protection for this invention in the United States, it being understood that any expense incident to the execution of such papers shall be borne by the assignee, its successors and assigns.

IN TESTIMONY WHEREOF, we have hereunto set our hands.

1. Full Name of First Assignor	Assignor's Signature	Date
Sandrine Decoster	X <u>S. DEWSTER</u>	06.06.97
Address		Citizenship
107, Avenue d'Enghien, 93800, EPINAY SUR SEINE, FRANCE		French

2. Full Name of Second Assignor	Assignor's Signature	Date
Bernard BEAUQUEY	X <u>Beauquey</u>	06.06.97
Address		Citizenship
40, Rue Gaston Paymal, 92110 CLICHY, FRANCE		French

FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER, L.L.P.

SEPTEMBER 29, 1998

FINNEGAN, HENDERSON, FARABOW, FETTER & ASSOCIATES, P.C.  
THOMAS L. IRVING  
1300 I STREET, N.W.  
WASHINGTON, D.C. 20005



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office

ASSISTANT SECRETARY AND COMMISSIONER  
OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231



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UNITED STATES PATENT AND TRADEMARK OFFICE  
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 06/04/1998

REEL/FRAME: 9317/0558  
NUMBER OF PAGES: 2

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:  
DECOSTER, SANDRINE

DOC DATE: 04/22/1998

ASSIGNOR:  
BEAUQUEY, BERNARD

DOC DATE: 04/22/1998

ASSIGNEE:  
L'OREAL  
14, RUE ROYALE  
75008 PARIS, FRANCE

SERIAL NUMBER: 09055666  
PATENT NUMBER:

FILING DATE: 04/07/1998  
ISSUE DATE:

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OCT 2 1998

KIMBERLY WHITE, EXAMINER  
ASSIGNMENT DIVISION  
OFFICE OF PUBLIC RECORDS

FINNEGAN, HENDERSON, FARABOW,  
GARRETT AND DUNNER, LLP

DMO TLU  
10/02/98

07-22-1998



100769920

U.S. DEPARTMENT OF COMMERCE  
Patent and Trademark Office

TTY. Docket No.: 05725.0295-00000

To the Honorable Commissioner of Patents and Trademarks:  
Please record the attached original documents or copy thereof.

ATTN. BOX ASSIGNMENTS

1. Name of conveying party(ies):

Sandrine DECOSTER and ~~BEAUQUEY~~

Additional name(s) of conveying  
party(ies) attached? ☐ Yes ☒ No

3. Nature of conveyance:

- ☒ Assignment ☐ Merger  
☐ Security Agreement ☐ Change of Name  
Other: \_\_\_\_\_

Execution Date: April 22, 1998

2. Name and address of receiving party(ies):

Name: L'Oréal

Internal Address: \_\_\_\_\_

Street Address: 14, Rue Royale  
75008 Paris, France

City: \_\_\_\_\_

State: \_\_\_\_\_ ZIP: \_\_\_\_\_

Additional name(s) & address(es) attached:

☐ Yes ☒ No

4. Application number(s) or patent numbers(s):  
If this document is being filed together with a new application,  
the execution date of the application is: \_\_\_\_\_

A. Patent Application No.(s)

B. Patent No.(s)

09/055,666

Additional numbers attached? ☐ Yes ☒ No

5. Name and address of party to whom  
correspondence concerning document  
should be mailed:

Name: Thomas L. Irving  
Internal Address: FINNEGAN, HENDERSON,  
FARABOW, GARRETT & DUNNER, L.L.P.  
Street Address: 1300 I Street, NW

City: Washington, D.C.  
State: \_\_\_\_\_ ZIP: 20005

6. Total number of applications and patents  
involved 1

7. Total fee (37 CFR 3.41): \$ 40.00

- ☒ Enclosed  
☐ deposit account

8. Deposit account number: 06-0916

9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and  
correct and any attached copy is a true copy of the original document.

Thomas L. Irving  
Name of Person Signing

Michelle Bosch  
Signature

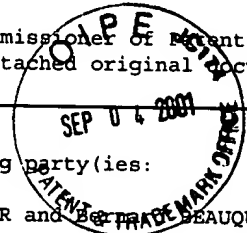
June 26, 1998  
Date

Total number of pages including cover sheet, attachments and document: 2

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SEP 06 2001

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07/21/1998 JSMBRZZ 00000046 09053666

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**ASSIGNMENT**

WHEREAS, I/We, the below named inventor(s), (hereinafter referred to as Assignor(s)), have made an invention entitled:

**DETERGENT COSMETIC COMPOSITIONS AND USE THEREOF**

for which I/We executed an application for United States Letters Patent concurrently herewith or filed an application for United States Letters Patent on April 7, 1998 (Serial No. 09/055,666 (to be filled in by Applicants' representative when known)); and

WHEREAS, L'ORÉAL, a corporation of France whose post office address is 14, rue Royale, 75008 Paris, France (hereinafter referred to as Assignee), is desirous of securing the entire right, title, and interest in and to this invention, the application for United States Letters Patent on this invention and the Letters Patent to be issued upon this application;

NOW THEREFORE, be it known that, for good and valuable consideration the receipt of which from assignee is hereby acknowledged, I/We, as Assignor(s), have sold, assigned, transferred, and set over, and do hereby sell, assign, transfer, and set over unto the assignee, its lawful successors and assigns, my/our entire right, title, and interest in and to this invention and this application, and all divisions, and continuations thereof, and all Letters Patent of the United States which may be granted thereon, and all reissues thereof; and I/We hereby authorize and request the Commissioner of Patents and Trademarks of the United States to issue all Letters Patent for this invention to assignee, its successors and assigns, in accordance with the terms of this Assignment;

AND, I/WE HEREBY further covenant and agree that I/We will, without further consideration, communicate with assignee, its successors and assigns, any facts known to me/us respecting this invention and testify in any legal proceeding, sign all lawful papers when called upon to do so, execute and deliver all papers that may be necessary or desirable to perfect the title to this invention in said assignee, its successors and assigns, execute all divisional, continuation, and reissue applications, make all rightful oaths and generally do everything possible to aid assignee, its successors and assigns, to obtain and enforce proper patent protection for this invention in the United States, it being understood that any expense incident to the execution of such papers shall be borne by the assignee, its successors and assigns.

AND, I/WE HEREBY authorize and request the attorneys I/We have empowered in the Declaration and Power of Attorney in this application, to insert here in parentheses (Application No. 09/055,666, filed April 7, 1998) the application number of said application when known.

IN TESTIMONY WHEREOF, I/We have hereunto set our hand(s).

Full Name of Sole or First Assignor Sandrine DECOSTER	Assignor's Signature <i>S. DECOSTER</i>	Date 22/04/98
Address 107 Avenue d'Enghien, 93800 Epinay sur Seine, France		Citizenship France
Full Name of Second Assignor Bernard BEAUQUEY	Assignor's Signature <i>Bernard BEAUQUEY</i>	Date 22/04/1998
Address 40 Rue Gaston Paymal, 92110 Clichy, France		Citizenship France